

In re Patent Application of:
LEVINE ET AL.
Serial No. 09/656,393
Filing Date: 9/6/00

REMARKS

Claims 1-49 remain in this application. Claims 1, 7, 9-12, 18-26, 32, 34-37, 42, 43 and 46 have been previously amended. No claims have been cancelled.

Applicants thank the Examiner for the detailed study of the application and prior art. Applicants note the rejection of claims 1, 4, 6, 9, 10, 12-19, 22, 23, 43, 45 and 48 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,571,215 to Mahapatro, and other claims as obvious based over Mahapatro, or Mahapatro in view of other references, including one of U.S. Patent No. 6,578,005 to LeSaint et al. (hereinafter "LeSaint"); or U.S. Patent No. 6,725,428 to Pareschi et al. (hereinafter "Pareschi").

Applicants submit with this Amendment a Supplemental Declaration Under 37 CFR §1.131 from the inventors, Garry Fenimore and Kenneth M. Levine, which shows that the joint inventors conceived the subject matter of the above-identified patent application while working at MasterLink Corporation in Orlando, Florida, United States, prior to January 21, 1997, the effective date of Mahapatro. Applicants worked diligently from just before the effective date of Mahapatro up to a reduction to practice of the invention in early 1999. The cited Pareschi reference has an effective date of November 14, 1997, and is removed.

Applicants had submitted a 131 Declaration with the previous Amendment and remarks, which conclusively showed that Applicants worked diligently prior to April 19, 1999, the effective date of published patent application no. 2002/006577 to Powell et al. and up to reduction to practice, to develop a computer implemented system and method for managing mobile

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workers. The Examiner agreed with the arguments filed in the last Amendment and the Declaration Under 37 CFR 1.131.

In this new Supplemental Declaration, the same exhibits submitted in the previous Declaration are submitted and maintain the same exhibit numbers. Exhibit 1 has a few added sheets that were recently located corresponding to a presentation for the invention under confidentiality before the January 21, 1997 effective date of Mahapatro. The new exhibits are given numerical designations followed by a letter. The Supplemental Declaration sets forth many factual details of the exhibits and conclusively shows that the inventors worked diligently from the time of conception before the effective date of January 21, 1997 for Mahapatro up to a reduction to practice in April 1999. Dates are now associated with Exhibits 3, 4 and 5, which are dated after January 21, 1997, the effective date of Mahapatro. Exhibit 3A shows work accomplished in the first half of 1997, followed by Exhibit 3B.

Without reciting again the factual details that are set forth in the Supplemental Declaration, the exhibits and the sworn statements by the two inventors show the diligent work on the invention from the conception up to reduction to practice. The present invention is an extremely complicated system and method for managing mobile workers in an object oriented programming environment. It uses many different classifications and attributes that target objects. Complicated rule engines determine the algorithms and heuristics to be used to schedule mobile workers for the tasks to be performed. These algorithms and rule engines are

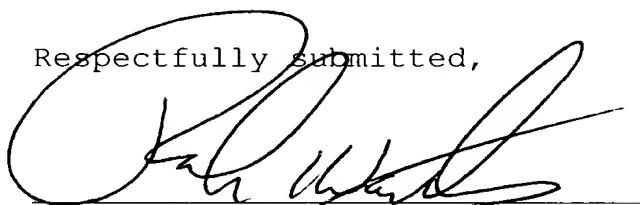
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complicated and require diligent programming and work by the inventors, as noted in their Declaration.

As to other cited references, Applicants note that LeSaint is only directed to allocating tasks in which initial information relating to the tasks is allocated and schedules generated for allocating resource tasks. Individual schedules are modified in a stochastic system and can be interrupted to allow a rule-based system to analyze schedules. Nowhere does LeSaint disclose or suggest the present claimed invention.

Applicants contend that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 17th day of November, 2004.

Julie Lalon

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